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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,661	08/26/2003	Han-Lim Lee	5000-I-343	3929
33942	7590	08/30/2006	EXAMINER	
CHA & REITER, LLC 210 ROUTE 4 EAST STE 103 PARAMUS, NJ 07652				LIU, LI
		ART UNIT		PAPER NUMBER
		2631		

DATE MAILED: 08/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/648,661	LEE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Li Liu	2631	

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 August 2003.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/21/04, 06/30/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Specification***

1. The disclosure is objected to because of the following informalities: page 6, line 14, and page 8, line 13 and 15, the “chipper” should be changed to “chirp”.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al (US 6,865,348, hereinafter US '348) in view of Miyamoto et al (US 2003/0002121, hereinafter US '121) and Kim et al (Kim et al, "Demonstration of Optical Duobinary Transmission System Using Phase Modulator and Optical Filter", *IEEE Photonics Technology Letters*, Vol. 14, No. 7, page 1010-1012, July 2002).

1) With regard to claim 1, Miyamoto et al (US '348) discloses a duo-binary optical transmission apparatus (170 in Figure 23A), comprising:

a light source for outputting a light carrier (175 in Figure 23A);

an optical modulator (174 in Figure 23A) for modulating the light carrier according to a 2-level data signal (Figure 23A, binary signal as input, column 24, line 21-27);

the optical modulator (174 in Figure 23A) comprises:

a code converter (171 in Figure 23A) for converting the 2-level data signal into a duo-binary signal (the DUOBINARY ENCODED SIGNAL output from 171);

a driving signal generator (173 in Figure 23A) for receiving the duo-binary signal and generating a modulator driving signal;

a light intensity modulator (174 in Figure 23A, column 24 line 19-20), for receiving the modulator driving signal, and for outputting a modulated optical signal (column 24 line 16-27);

Miyamoto et al (US '348) discloses that the light modulator generates an optical duobinary encoded signal (column 24 line 25-27) and a "band dividing section" is used at the receiver (120 in Figure 24A). But Miyamoto et al (US '348) does not explicitly teach that (A) the light intensity modulator is for converting a phase of the light carrier, and (B) an optical band pass filter for receiving the modulated optical signal from the light intensity modulator, for filtering the modulated optical signal to be suitable for a predetermined band, and for outputting a duo-binary optical signal.

With regard to item (A), Miyamoto et al (US '121) discloses a device in which a duobinary signal can be generated and the MZ optical intensity modulator is used as the phase modulating device (Figure 1 and 2, and [0037] and [0095]). And the phase of the light carrier is converted by the MZ modulator ([0030]).

It is well known that the MZ optical intensity modulator can be used as the phase modulator because of its simple structure and low cost. Also as a phase modulator, it does not require a dual-drive MZ modulator. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the phase

modulating device taught by Miyamoto et al (US '121) et al to the apparatus of Miyamoto et al (US '348) so that the cost of the system can be reduced, and the symmetry requirement of the modulator can be eliminated if a X-cut modulator is used.

With regard to item (B), Kim et al, in the same field of endeavor, discloses an optical duobinary transmission system in which an optical phase modulator and an optical filter (Figure 1, INTRODUCTION) have been used for generate duobinary signal.

As disclosed by Kim et al, the conventional duobinary generator has some drawback: the system performance greatly depend on the word length since the three-level signal can experience distortions depending on the imperfect response of the Low Pass Filter (LPF) etc. The optical phase modulator with an optical band pass filter will overcome the problems associated with world lengths (page 1010, INTRODUCTION). And the narrow spectral width is the most important feature of the duobinary signal in achieving high-spectral-efficient DWDM systems.

Kim et al teaches to use the phase modulator with an optical filter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the phase modulating device and the optical filter taught by Kim et al to the apparatus of Miyamoto et al (US '348) so that the problem associated with word length is overcome, and the spectra of the optical signal is limited and the interference between different channels as well as the nonlinear interaction can be reduced, and the receiver sensitivity is improved.

2) With regard to claim 2, Miyamoto et al (US '348) and Miyamoto et al (US '121) and Kim et al disclose all of the subject matter as applied in claim 1 above. Miyamoto et

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al (US '348) further discloses wherein the light intensity modulator is a Z-cut dual armed light intensity modulator (MZ 174 in Figure 23A is a dual-electrode MZ intensity modulator, column 24 line 19-20).

3) With regard to claim 4, Miyamoto et al (US '348) and Miyamoto et al (US '121) and Kim et al disclose all of the subject matter as applied in claim 1 above. But Miyamoto et al (US '348) and Miyamoto et al (US '121) do not disclose wherein the characteristic of the output signal of the wide band pass filter is varied according to a bandwidth of the wide band pass filter.

However, Kim et al teaches that the best performance of the phase modulator duobinary signal can be achieved by optimizing the bandwidth of optical filter and the modulation depth of the phase modulator (page 1011, left column, and Figure 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the bandwidth optimization taught by Kim et al to the apparatus of Miyamoto et al so to get optimal bandwidth of the bandpass filter, improve the system performance, and reduce the transmission penalty.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al (US 6,865,348, hereinafter US '348) and Miyamoto et al (US 2003/0002121, hereinafter US '121) and Kim et al (Kim et al, "Demonstration of Optical Duobinary Transmission System Using Phase Modulator and Optical Filter", *IEEE Photonics Technology Letters*, Vol. 14, No. 7, page 1010-1012, July 2002) as applied in claim 1 above, and further in view of Hirano et al (US 2003/0002112).

Miyamoto et al (US '348), Miyamoto et al (US '121) and Kim et al disclose all of the subject matter as applied in claim 1 above. But Miyamoto et al (US '348), Miyamoto et al (US '121) and Kim et al fail to disclose wherein the light intensity modulator is an X-cut dual armed light intensity modulator.

However, Hirano et al teaches the X-cut dual armed light intensity modulator ([0068]), and discloses that if an X-cut structure is employed it is possible to achieve chirp free modulation using only one electrode.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the X-cut structured MZ modulator taught by Hirano et al to the apparatus of Miyamoto et al (US '348), Miyamoto et al (US '121) and Kim et al so that the need for any synchronization between two driving signals as in Z-cut modulator is eliminated, and the requirements on the driver amplifiers is considerably alleviated.

5. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al (US 6,865,348) in view of Kim et al (Kim et al, "Demonstration of Optical Duobinary Transmission System Using Phase Modulator and Optical Filter", *IEEE Photonics Technology Letters*, Vol. 14, No. 7, page 1010-1012, July 2002).

1) With regard to claim 5, Miyamoto et al disclose a duo-binary optical transmission apparatus (170 in Figure 23A), comprising:

a duo-binary precoder (171 in Figure 23A) for encoding a 2-level data signal;  
a pair of driving amplifiers (amplitude control units 173-1 and 173-2 in Figure 23A) coupled to receive the output of the duo-binary precoder;

a laser light source (175 in Figure 23A) for outputting a light carrier;  
a light intensity modulator (174 in Figure 23A) for modulating the light carrier according to the 2-level data signal (column 24 line 16-27);

Miyamoto et al discloses a “band dividing section” at receiver (120 in Figure 24A). But Miyamoto et al fails to teach a wide band pass filter coupled to receive the output of the light intensity modulator to generate a duo-binary optical signal.

However, Kim et al, in the same field of endeavor, discloses an optical duobinary transmission system in which an optical phase modulator and an optical filter (Figure 1, INTRODUCTION) have been used for generate duobinary signal.

It is well known that the narrow spectral width is the most important feature of the duobinary signal in achieving high-spectral-efficient DWDM systems. Kim et al teaches to use an optical filter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add the optical filter taught by Kim et al to the apparatus of Miyamoto et al so that the problems associated with world lengths can be overcome by using an optical phase modulator with an optical band pass filter, and the spectra of the optical signal is limited and the interference between different channels as well as the nonlinear interaction can be reduced.

2) With regard to claim 6, Miyamoto et al and Kim et al disclose all of the subject matter as applied in claim 5 above. But Miyamoto et al does not teach wherein the characteristics of the duo-binary optical signal are varied by controlling an applied voltage and a bandwidth of the wide band pass filter.

However, Kim et al teaches that the best performance of the phase modulator duobinary signal can be achieved by optimizing the modulation depth (the driving voltage) of the phase modulator and the bandwidth of optical filter (page 1011, left column, and Figure 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the adjustable driving voltage and the bandwidth optimization taught by Kim et al to the apparatus of Miyamoto et al so to get the best system performance and reduce the transmission penalty.

3) With regard to claim 7, Miyamoto et al and Kim et al disclose all of the subject matter as applied in claim 5 above. But Miyamoto et al does not teach wherein the wide band pass filter is further operative to filter the modulated light signal to be suitable for a predetermined band.

However, Kim et al teaches that the best performance of the phase modulator duobinary signal can be achieved by optimizing the bandwidth of optical filter and the modulation depth of the phase modulator (page 1011 left column, and Figure 5).

It is well known that the narrow spectral width is the most important feature of the duobinary signal in achieving high-spectral-efficient DWDM systems. Kim et al demonstrates that the optical bandpass filter installed after the MZ can get the same results as the conventional electrical low pass filter installed just after the duobinary precoder (Figure 2 and 3, page 1011, left column), and the optical bandpass filter is operative to filter the modulated light signal to be suitable for a predetermined band (Figure 3 and 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the optical bandpass filter taught by Kim et al to the apparatus of Miyamoto et al so to get the required band of signal, reduce interference between different channels as well as the nonlinear interaction, and improve the system performance and the receiver sensitivity.

4) With regard to claim 8, Miyamoto et al and Kim et al disclose all of the subject matter as applied in claim 5 above. And Miyamoto et al further discloses that wherein the pair of driving amplifiers (173-1 and 173-2 in Figure 23A) is configured to apply 3-level signals to the light intensity modulator (column 24 line 21-27).

5) With regard to claim 9, Miyamoto et al and Kim et al disclose all of the subject matter as applied in claim 5 above. And Miyamoto et al further discloses wherein the light intensity modulator is a Z-cut dual armed light intensity modulator (MZ 174 in Figure 23A is a dual-electrode MZ intensity modulator, column 24 line 19-20).

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al (US 6,865,348) and Kim et al (Kim et al, "Demonstration of Optical Duobinary Transmission System Using Phase Modulator and Optical Filter", *IEEE Photonics Technology Letters*, Vol. 14, No. 7, page 1010-1012, July 2002) as applied in claim 5 above, and further in view of Hirano et al (US 2003/0002112).

Miyamoto et al and Kim et al disclose all of the subject matter as applied in claim 5 above, but Miyamoto et al and Kim et al fail to disclose wherein the light intensity modulator is an X-cut dual armed light intensity modulator.

However, Hirano et al teaches the X-cut dual armed light intensity modulator ([0068]), and discloses that if an X-cut structure is employed it is possible to achieve chirp free modulation using only one electrode.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the X-cut structured MZ modulator taught by Hirano et al to the apparatus of Miyamoto et al and Kim et al so that the need for any synchronization between two driving signals as in Z-cut modulator is eliminated, and the requirements on the driver amplifiers is considerably alleviated.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miyamoto et al (US 6,865,348, hereinafter US '348) and Kim et al ("Demonstration of Optical Duobinary Transmission System Using Phase Modulator and Optical Filter", *IEEE Photonics Technology Letters*, Vol. 14, No. 7, page 1010-1012, July 2002) as applied in claim 5 above, and further in view of Miyamoto et al (US 2003/0002121, hereinafter US '121).

Miyamoto et al (US '348) and Kim et al disclose all of the subject matter as applied in claim 5 above. Miyamoto et al (US '348) teaches that the light modulator generates an optical duobinary encoded signal (column 24 line 25-27), but Miyamoto et al does not explicitly discloses wherein the light modulator is further operative to convert a phase of the light carrier.

However, Miyamoto et al (US '121) discloses a device in which a duobinary signal can be generated and the MZ optical intensity modulator is used as the phase

modulating device (Figure 1 and 2, and [0037] and [0095]). And the phase of the light carrier is converted by the MZ modulator ([0030]).

As disclosed by Kim et al, the conventional duobinary generator has some drawback: the system performance greatly depend on the word length since the three-level signal can experience distortions depending on the imperfect response of the Low Pass Filter (LPF) etc. The optical phase modulator with an optical band pass filter will overcome the problems associated with word lengths (page 1010, INTRODUCTION).

Miyamoto et al (US '121) teaches to use the optical intensity modulator as the phase modulating unit, and Kim et al teaches to use the phase modulator with an optical filter. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the phase modulating device to the apparatus of Miyamoto et al (US '348) and Kim et al so that the problem associated with word length is overcome, and the spectra of the optical signal is limited and the interference between different channels as well as the nonlinear interaction can be reduced, and the receiver sensitivity is improved.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yonenaga et al (US 2002/0033984) disclose an optical transmission system, and Z-cut and Y cut Lithium-Niobate MZ modulators are used to generating duobinary signals.

Royset et al disclose a novel dispersion tolerant optical duobinary transmitter using phase modulator and Bragg grating filter (ECOC'98, September 20-24 1998, page 225-226, Madrid, Spain).

Winzer et al disclose a system with a phase modulator which can generate a DCS-RZ. (IEEE Photonics Technology Letters, Vol. 13, No. 12 December 2001, page 1298-1300)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li Liu whose telephone number is (571)270-1084. The examiner can normally be reached on Mon-Fri, 7:30 am - 5:00 pm, alternating Fri off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on (571)272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Li Liu, August 24, 2006



SHUWANG LIU  
SUPERVISORY PATENT EXAMINER